BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

GRANITE MOUNTAIN CHARTER SCHOOL,

OAH CASE NUMBER 2023010119

OAH CASE NUMBER 2022080567

# ORDER RULING GRANITE MOUNTAIN CHARTER SCHOOL'S MOTION FOR RECONSIDERATION IS MOOT

MARCH 3, 2023

On February 17, 2023, the undersigned Administrative Law Judge, called the ALJ, issued an Order Following Prehearing Conference, memorializing all Orders issued and what had transpired at the Prehearing Conference, called the PHC, on that date. On October 21, 2023, Granite Mountain Charter School, called GMCS, filed an Objection to Order Following PHC, in which it objected to the ALJ's dismissal of 13 of its issues at the February 17, 2023 PHC for lack of jurisdiction. GMSC's objection did not provide any substantive arguments or authority to support its objection. It did not reference with specificity any of its 13 issues which were dismissed for lack of jurisdiction, or any new

or different facts, circumstances, or authority which would justify reconsideration of the ALJ's dismissal of certain of GMCS's issues for lack of jurisdiction.

Student filed a response to GMCS's Objection to Order Following PHC on February 22, 2023. GMCS's objection to Order Following PHC is treated as a Motion for Reconsideration of the ALJ's Order dismissing GMCS's issues that it numbered 1 through 12, and issue 14 in both its Fourth Prehearing Conference Statement and in its Due Process Request.

## APPLICABLE LAW ON MOTIONS FOR RECONSIDERATION

The Office of Administrative Hearings, called OAH, will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.) GMSC's objection failed to make a showing of any different facts, circumstances, or law which would justify the ALJ's reconsideration of dismissal of GMSC's issues 1 through 12, and 14.

## THE MOTION FOR RECONSIDERATION IS MOOT

On February 28, 2023, GMCS withdrew all 3 of its pending issues in GMCS's case number 2022080567. Therefore, OAH has dismissed GMCS's case number2022080567. Due to GMSC's withdrawal of all of its pending issues, and dismissal of GMSC's case, its motion for reconsideration is now moot. Therefore, it is not necessary for OAH to rule on GMCS's motion for reconsideration.

## ORDER

GMCS's motion for reconsideration is now moot because GMCS has withdrawn all of its pending issues from OAH case number 2022080567, which has been dismissed by OAH.

IT IS SO ORDERED.

*Christine Arden*

Christine Arden
Administrative Law Judge
Office of Administrative Hearings